

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Guzman	Team: Squad #4	CCRB Case #: 202002993	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 08/___/2019 4:00 PM	Location of Incident: [REDACTED]	Precinct: 102	18 Mo. SOL 2/1/2021	EO SOL 9/18/2021	
Date/Time CV Reported Fri, 04/17/2020 4:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/17/2020 2:00 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Miguel Leon	10222	925607	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Miguel Leon	Abuse: Police Officer Miguel Leon entered § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
B.POM Miguel Leon	Force: Police Officer Miguel Leon used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On April 7, 2020, § 87(2)(b) filed the following complaint with the CCRB via telephone.

On an unknown date approximately on or near August 2019, at approximately 4:00 p.m., § 87(2)(b) and his wife, § 87(2)(b) were in § 87(2)(b)'s home at § 87(2)(b) in Queens. § 87(2)(b) called 911 regarding a domestic dispute with § 87(2)(b). Police Officer Miguel Leon, of the 102nd Precinct, allegedly responded to the location. Police Officer Leon allegedly entered § 87(2)(b)'s home (**Allegation A: Abuse of Authority, § 87(2)(g)**) and pulled at § 87(2)(b)'s hand (**Allegation B: Force, § 87(2)(g)**).

No arrests or summonses were issued as a result of this incident. There is no video evidence available regarding this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Miguel Leon entered § 87(2)(b) in Queens.

Allegation (B) Force: Police Officer Miguel Leon used physical force against § 87(2)(b).

§ 87(2)(b) stated (BR 01) that, on an unknown date approximately on or near August 2019, at approximately 4:00pm, § 87(2)(b) was with his wife, § 87(2)(b) within § 87(2)(b) in Queens. § 87(2)(b) called 911 regarding a verbal dispute. PO Leon and an unidentified officer rang the doorbell. § 87(2)(b) opened the door and remained inside the house for the duration of the incident. § 87(2)(b) was approximately three feet behind § 87(2)(b). § 87(2)(b) asked § 87(2)(b) "Do you want to speak to them?" § 87(2)(b) replied, "No." § 87(2)(b) said, "Okay, she doesn't want to speak to you. She can come outside and speak to you. No one is coming inside." § 87(2)(b) began to close the door. PO Leon grabbed § 87(2)(b)'s right hand with both of his hands and entered § 87(2)(b)'s home simultaneously. PO Leon released his grip on § 87(2)(b) at this point and § 87(2)(b) closed the door. § 87(2)(b)'s wrist was hurt as a result of being grabbed and he incurred bruising. § 87(2)(b)'s wrist made a clicking sound and felt weak at the time of his interview. § 87(2)(b) initially stated that the witness officer may have been PO Bill Frawley, but § 87(2)(b) later stated he did not recall.

The investigation was unable to establish contact with § 87(2)(b) despite making 20 contact attempts to 4 different phone numbers, one of which was provided to the investigation by § 87(2)(b).

A SPIA was received (BR 03), which yielded August 8, 2019 as the only instance where officers responded to § 87(2)(b)'s home in the month of August of 2019. The following three Events (BR 04) were ordered for the following dates: § 87(2)(b) for August 8, 2019, § 87(2)(b) for September 11, 2019, and § 87(2)(b) for September 25, 2019. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Leon (BR 05) stated that he has had ongoing interactions with § 87(2)(b) since 2018. There was a general pattern to § 87(2)(b)'s calls, insofar as they regarded a domestic dispute

between § 87(2)(b) and § 87(2)(b) PO Leon further had been to § 87(2)(b)'s house multiple times but could not estimate how many times beyond that. PO Leon was on vacation from August 2, 2019 to August 9, 2019, and PO Leon's memo book (BR 06) corroborated this information. PO Leon was given a summary of the incident alleged by § 87(2)(b) PO Leon stated the alleged verbal exchanges did not resemble any interaction he had with § 87(2)(b) PO Leon did not enter § 87(2)(b)'s home or make physical contact with § 87(2)(b) as he alleged.

Body-Worn Camera footage was received for August 8, 2019 from PO Darrell Glenn (BR 07) and PO Salvatore Alongi (BR 08). This footage did not capture the incident described by § 87(2)(b)

As of October 21, 2020, PO Bill Frawley, the officer whom § 87(2)(b) named as the possible witness officer, no longer works for the NYPD and it was not possible for the investigation to interview him (BR 02).

§ 87(2)(b) filed this complaint approximately eight months after the incident and he was unable to provide a specific incident date § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the third CCRB complaint to which § 87(2)(b) has been a party. (BR 09)
 - § 87(2)(b)
 - § 87(2)(b)
- This is the second CCRB complaint to which § 87(2)(b) has been a party. (BR 10)
 - 201909870 is currently under investigation and involves allegations of Discourtesy and Threat of Arrest.
- PO Leon has been a member-of-service for 20 years and has been named a subject in 14 cases and 20 allegations, of which two were substantiated. § 87(2)(g)
 - 201809987 involved a substantiated discourtesy allegation against PO Leon. The Board recommended Formalized Training and the NYPD did not impose a penalty.
 - 201005917 involved a substantiated discourtesy allegation against PO Leon. The Board recommended Instructions and the NYPD imposed Instructions.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. (BR 11)
- According to the Office of Court Administration, (OCA), § 87(2)(b) has no history of convictions in New York City. (BR 12)
- As of October 13, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident. (BR 13)

Squad No.: 4

Investigator: John Guzman Inv. John Guzman 10/28/2020
Signature Print Title & Name Date

Squad Leader: Raquel Velasquez IM Raquel Velasquez 10/28/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date